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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

- vs -

WILLIAM P. BARR, Attorney
General of the United States, *et al.*,

Defendants.

) Case No. CV 85-4544 DMG (AGRx)^[1]_{SEP}
)
) UNOPPOSED EX PARTE APPLICATION TO
) WITHDRAW FROM THE PUBLIC DOCKET
) AND FILE UNDER SEAL PLAINTIFFS'
) [UNDER SEAL] SUPPLEMENTAL
) DECLARATION (DOC. 558),
) UNREDACTED CORRECTED POINTS AND
) AUTHORITIES (DOC. 558-1), AND
) UNREDACTED CORRECTED EXHIBIT 10
(DOC. 558-2).

[HON. DOLLY M. GEE]

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1 Plaintiffs respectfully request that the Court Order that Docs. ## 558, 558-1 and
 2 558-2, a declaration and two unredacted documents that were inadvertently filed on the
 3 public docket, be withdrawn by the clerk from the public docket and filed under seal.
 4 Defendants have stipulated to this *ex parte* request. Declaration of Peter Schey in
 5 Support of Unopposed Ex Parte Application to Withdraw from the Public Docket, etc.
 6 (“Schey Dec.”), ¶ 6.
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 9 Pursuant to the Court’s May 31, 2019 Minute Order (Doc. # 549), on June 14,
 10 2019, Plaintiffs filed on the public docket a Supplemental Application for Leave to File
 11 Corrected Points and Authorities in Support of Motion to Enforce Settlement and
 12 Exhibit 10 Under Seal (“Supplemental Application”) (Doc. # 557); Redacted Corrected
 13 Points and Authorities in Support of Motion to Enforce (Doc. # 557-1); and Redacted
 14 Corrected Exhibit 10 in Support of Motion to Enforce (Doc. # 557-2). Names of class
 15 member asylum seekers and a government-employee deponent in *Lucas R. v. Azar*, CV
 16 2:18-CV-05741 DMG PLA (C.D. Cal.), were redacted in these documents. Schey Dec.
 17 ¶ 2.
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21 Plaintiffs inadvertently filed on the public docket the declaration and *unredacted*
 22 versions of the two redacted documents. Docs. ## 558,¹ 558-1 (Unredacted Corrected
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 26 ¹ Doc. # 558 (“[Under Seal] Supplemental Declaration of Class Counsel in Support of
 27 Supplemental Application for Leave to File Corrected Points and Authorities in
 28 Support of Motion to Enforce and Exhibit 10 Under Seal” (“Supplemental
 Declaration”)) does not include any confidential names, but in order to conform with
 the Local Rules, Plaintiffs request that it be withdrawn and filed under seal along with
 the two unredacted documents. Schey Dec. ¶ 3, n. 1.

1 Points and Authorities in Support of Motion to Enforce (“Unredacted Corrected
2 P&A”); Doc. # 558-2 (Unredacted Corrected Exhibit 10 in Support of Motion to
3 Enforce (“Unredacted Corrected Exhibit 10”)). Schey Dec., ¶ 3.
4

5 There is good cause for these documents to be withdrawn from the public docket
6 and Ordered to be filed under seal. As set forth in Plaintiffs’ Supplemental Application
7 (Doc. # 557), the Unredacted Corrected P&A identifies by name several class member
8 asylum seekers. Schey Dec., ¶ 4. As the court has recognized, “[p]ursuant to 8 C.F.R.
9 §§ 208.6 and 1208.6, the identities of asylum applicants are confidential.” Order
10 Granting Leave to File Deposition excerpts of Asylum Applicants and Memorandum
11 Identifying Asylum Applicants under Seal. (Doc. # 294). Unredacted Corrected Exhibit
12 10 includes the name and title of the deponent who the Defendants claim is a non-
13 supervisory government-employee whose identity is protected by a Stipulated
14 Protective Order in *Lucas R.* Schey Dec., ¶ 5. Plaintiffs have conferred with
15 Defendants about its position that the identity of the deponent is confidential, pursuant
16 to Local Rule 79-5.2.2(b). Schey Dec., ¶ 5. Plaintiffs have insufficient information to
17 dispute the government’s assertion, and therefore have no objection to preserving the
18 confidentiality of the deponent’s identity. *Id.*
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23 For the foregoing reasons, Plaintiffs respectfully request that the Court issue an
24 Order that the clerk withdraw Documents 558, 558-1 and 558-2 from the public record,
25 and file them Under Seal.
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1 A proposed order granting this Ex Parte Application is lodged herewith.

2
3 Dated: June 16, 2019

Respectfully submitted,

4 CENTER FOR HUMAN RIGHTS &
5 CONSTITUTIONAL LAW
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21 U.C. DAVIS SCHOOL OF LAW
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23 /s/ Peter Schey
24 *Peter Schey*
25 *Attorneys for Plaintiffs*
26
27
28

CERTIFICATE OF SERVICE

I, Peter Schey, declare and say as follows:

I am over the age of eighteen years and am not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.

On June 16, 2019 I electronically filed the following document(s): UNOPPOSED EX PARTE APPLICATION TO WITHDRAW FROM THE PUBLIC DOCKET AND FILE UNDER SEAL PLAINTIFFS' UNDER SEAL SUPPLEMENTAL DECLARATION (DOC. 558); UNREDACTED CORRECTED POINTS AND AUTHORITIES (DOC. 558-1) AND UNREDACTED CORRECTED EXHIBIT 10 (DOC. 558-2).

with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Peter Schey
Attorney for Plaintiffs